

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**JAMES WIDTFELDT, and JAMES  
WIDTFELDT TRUST,**

**Plaintiffs,**

**v.**

**MICHAEL JOHANNNS, UNITED  
STATES DEPARTMENT OF  
AGRICULTURE, and MONTE  
FLETCHER,**

**Defendants.**

**8:05CV49**

**ORDER**

This matter is before the court on Plaintiff's Motion and Petition to Reopen Briefing Schedule. (Filing No. 28). The Plaintiff brought suit under the Administrative Procedures Act, asking this Court to review a decision of the United States Department of Agriculture. This court established a Briefing Order for the parties to file cross-motions for summary judgment. It appears that in plaintiff's motion he is requesting leave to amend his complaint and conduct additional discovery. In support of this request plaintiff argues that he needs this additional time because new facts have come to light "including the habit of Senator Tom Delay to challenge anyone politically oriented." Furthermore, plaintiff cites additional cases that he is reviewing. The court does not see how the newly discovered facts regarding Mr. Delay affect this case. Therefore in the interests of judicial efficiency the plaintiff's motion to amend and to conduct discovery are denied. However, in pro se cases motions for enlargement of time are freely granted. Therefore, the court will grant the plaintiff an extension of 45 days to file his motion for summary judgment. The defendant

will be given 30 days following plaintiff's deadline to respond to plaintiff's motion and file its own motion for summary judgment.

THEREFORE IT IS ORDERED:

1. That Plaintiff shall file his motion for summary judgment and supporting documentation by July 27, 2006;
2. That Defendant shall file its motion for summary judgment and supporting documentation by August 28, 2006;
3. Plaintiff shall have until September 11, 2006 to file a response to Defendant's motion for summary judgment.

DATED this 15th day of May, 2006.

BY THE COURT:

s/ F.A. Gossett  
United States Magistrate Judge